

GOVERNMENT OF TELANGANA
ABSTRACT

TRIBAL WELFARE DEPARTMENT – Mancheri District - Revision Petitions under Land Transfer Regulations 1/59 as amended by Regulation 1/70 - Revision Petition filed by Sri Durgam Lingaiah and (5) five others, all residents of Buradagudem Village, Mandamarri Mandal, against orders passed by the Additional Agent to Government & Project Officer, ITDA Utnoor in case No.A4/CPC/350/2014, dated 15.3.2017 in respect of the land admeasuring Acres 12.27 guntas situated in Mandamarri village and Mandal – Dismissed - Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 21

Dated: 23-08-2022.

Read the following:-

1. Orders of the Addl.Agent to Govt. & Project Officer, ITDA Utnoor in case No.A4/CPC/350/2014, dated 15.3.2017.
2. Revision Petition filed by Sri Durgam Lingaiah & (5) others, residents of Buradagudem (V), Mandamarri Mandal, Mancheri district dated 14.2.2018.
3. Orders of Hon'ble High Court, TS, Hyderabad in WP.No.6149/2018, dated 26.02.2018
4. Govt. Memo.No.1149/LTR.A1/2018, dated 24.08.2018.
5. From the Additional Agent to Govt. & Project Officer, ITDA Utnoor, letter Rc.No.A4/CPC/350/2014, dated 08.01.2019.
6. Govt.Letter No. 1149/TW.LTR-2/2018, dated 16.05.2019 and 27.06.2019
7. Vakalat filed by Sri T.Satish, Advocate on behalf of Respondents 5 and 6 viz., Chegyam Ravi Kumar and Chegyam Raj Kumar sons of Rajam, dated 15.6.2019.
8. Vakalat and written arguments filed by Sri Pulla Rao Yellanki, Advocate, Hyderabad on behalf of Respondent 4 i.e Chegyam Shankar S/o late Lingaiah, dated 6.7.2019.
9. Representations of Respondent 4 i.e Chegyam Shankar S/o late Lingaiah, dated 10.06.2020 & 07.12.2020.
10. Govt.Notice No. 1149/TW.LTR/2018, dated 18.01.2021 & 16.03.2021.
11. Implead Petition filed by Sri P.Varaprasada Rao S/o Puskur Butchamma R/o B-14, Vikrampur Colony, Secunderabad dated 26.2.2021 through Counsel Sri P.V Ramana, Advocate along with Vakalat by the Counsel.
12. Govt.Memo.No.1149/TW.LTR/2018, dated 16.03.2021.
13. Counter Affidavit dated 15.4.2021 filed by Counsel for Respondent 4 to the Implead Petition of Respondent 7.
14. Counter dated 24.4.2021 filed by Counsel for Revision Petitioners 1 to 6 to the Implead Petition of Respondent 7.
15. Govt.Memo.No.1149/TW.LTR/2018, dated 15.03.2021.
16. Govt.Notice No. 1149/TW.LTR/2018, dated 08.07.2021.
17. Written arguments dated 17.7.2021 filed by Counsel for Respondent 4.
18. Counsel for Respondent 7 filed Reply to Counter Affidavit of Respondent 4.
19. Counsel for Respondent 4 filed Memo dt.13.12.2021 praying to bring LR's of R4 on record.

* * * *

ORDER:-

The Revision Petitioners viz., Durgam Lingaiah, Durgam Pocham, Durgam Ramchander, Godari Posamma, Bijjur Madunamma and Kota Laxmi all residents of Buradagudem village in Mandamarri Mandal of the erstwhile Adilabad District had filed Suit under Order VII Rule 1, 2 R/W Sec.26 of CPC in O.S.No.173/2010 before the Hon'ble Senior Civil Judge at Mancheri on 21.7.2010 against 1) Chegyam Shankar S/o late Lingaiah 2) Chegyam Ravi Kumar S/o Rajam and 3) Chegyam Raj Kumar S/o Rajam all residents of Buradagudem village in Mandamarri Mandal of the erstwhile Adilabad District stating that:

- i) Sri Kota @ Durgam Lasumaiah S/o Pochaiah was the protected tenant of the land admeasuring acs.12.04 gts in Sy.No.137/191 situated in Mandamarri revenue village Mandal, Adilabad District as per the Tenancy Certificate issued under Section 37-A, pahanies of 1954-55, 1958-59 and 1964-65. The said Kota @ Durgam Lasumaiah died intestate about 30 years back leaving behind two sons namely Pedda Mallaiah, Chinna Mallaiah and two daughters. Pedda Malalah

(Contd....2)

died about 12 years back leaving behind Plaintiffs 1 to 5 and Chinna Mallaiah died about 25 years back leaving behind only daughter i.e. Plaintiff 6. Thus, Plaintiffs are owners and possessors of the land.

- ii) Plaintiffs came to know about proceedings No.ROR/14/2009, dated 06.10.2009 (Procgs.No.A/10/884/2009) of Tahsildar, Mandamarri wrongly issued in favour of Defendants 1 to 3. The Tahsildar, Mandamarri rejected their application to cancel the said proceedings as they were issued basing on the 38-E certificate No.B/6513/74. Therefore, they filed an Apopeal before the Revenue Divisional Officer, Mancherial for cancellation of the above proceedings.
- iii) The defendants illegally tried to occupy the suit land in the month of June, 2010 without any right, title or interest whether proprietary or possessor and by denying title of plaintiffs. The plaintiffs were unable to protect their possession unless the defendants restrained by the Hon'ble Court by granting perpetual injunction – therefore, prayed for:
 - (a) Declaration of Title and for issue of perpetual injunction over the suit land bearing Sy.No.137/191 area Ac.12.04 gts situated at Mandamarri Revenue Village, Mandamarri Mandal, Dist. Adilabad from interfering with the peaceful possession of the plaintiffs; and
 - (b) Declaration that the proceedings in ROR/14/2009, dated 6.10.2009 (Proceedings No.A/10/884/2009) on the file of Tahsildar, Mandamarri are null and void and not binding on the plaintiffs.

2. The Senior Civil Judge, Mancherial had transferred the Suit on 13.10.2014 as the Court lack territorial jurisdiction as per the judgement of the Hon'ble Supreme Court in Nagarjuna Gramina Bank and others Vs Medi Narayana and others (2012) 11 SCC 313 and returned the Plaint under Order 7, Rule 10 (1).

3. The Additional Agent to Government & Project Officer, ITDA Utnoor, Adilabad District had admitted the Suit numbering it as A4/CPC/350/2014, heard both parties, examined evidences available on record and passed orders in the reference 1st read above, holding that the Defendants established their right on the Suit land of acs.4.10 gts in Sy.No.137/191 in the total extent of acs.14.33 gts, issued under Section 38E of the AP (Telangana Area) Tenancy and Agricutural Lands Act, 1950 No.B5/6513/74 in favour of Chegyam Lingadu and accordingly the Tahsildar, Mandamarri had recorded their rights as per ROR Act, 1971, while an extent of acs.2.06 gts was alienated to Orient Cement Company, Devapur for railway line and the remaining balance extent of acs.8.17 gts stands in favour of original pattedar Smt.Puskur Buchamma.

4. Aggrieved by the above orders, the Revision Petitioners viz., 1) Durgam Lingaiah S/o late Pedda Mallaiah, 2) Durgam Pocham S/o late Pedda Mallaiah, 3) Durgam Ramchander S/o late Pedda Mallaiah, 4) Godari Posamma W/o Rajamallu, 5) Bijjur Madunamma W/o Balaraju and 6) Kota Laxmi W/o Shankaraiah, all residents of Buradagudem village of Mandamarri Mandal, Adilabad District, have filed the present Revision Petition before the Government on 14.02.2018 vide reference 2nd read above, against the Respondents 1) Additional Agent to Government & Project Officer, ITDA Utnoor 2) Revenue Divisional Officer, Mancherial 3) Tahsildar, Mandamarri Mandal, 4) Chegyam Shankar S/o late Lingaiah, Buradagudem (v), Mandamarri Mandal 5) Chegyam Ravi Kumar S/o Rajam R/o Buradagudem (v), Mandamarri Mandal and 6) Chegyam Raj Kumar S/o Rajam R/o Buradagudem (v), Mandamarri Mandal – contending that:

- i) The Revenue Divisional Officer and Tribunal Nirmal for Luxettipet issued Certificate of ownership under Section 38-E of AP (TA) Tenancy and Agricultural Lands Act, 1950 in favour of their grandfather namely Kota @ Durgam Lasumaiah S/o Pochaiah who was protected tenant in File No.B5/6513/74 in Form-II in respect of an extent of acs.12.04 gts in Sy.No.137/191 situated in Mandamarri village and Mandal.
- ii) The Petitioners came to know about proceedings No.ROR/14/2009, dated 06.10.2009 (Proceedings No.A/10/884/2009) of Tahsildar, Mandamarri issued in favour of Respondents 4 to 6. Immediately, they filed an application to the Tahsildar, Mandamarri for cancellation, but the Tahsildar rejected

informing that they were issued on the basis of 38-E certificate and advised them to file an Appeal before the Appellate authority.

- iii) The Senior Civil Judge at Mancherial has transferred the Suit on the point of territorial jurisdiction in view of the judgement of the Hon'ble Supreme Court.
- iv) The order under Revision is liable to be set aside on the ground of violation of principles of natural justice.
- v) The 38-E Certificates were issued by the Revenue Divisional Officer in favour of grandfather of Petitioners. They are the legal heirs of Pedda Mallaiah and Chinna Mallaiah who died about 12 years and 25 years back. The 1st Respondent erred in observing the fact that they are owners and possessors of the land in Sy.No.137/191 to an extent of acs.12.04 gts situated in Mandamarri village and Mandal as per tenancy certificates issued under Section 37-A in the year 1956-57 O/o Tahsildar, Luxettipet vide Certificate No.2340 and Pahani Pathrak from 1952 to 1970.

5. The Revision Petitioners have also filed WP No.6149 of 2018 on 22.2.2018 before the Hon'ble High Court praying to issue a writ, order or direction, particularly one in the nature of Writ of Mandamus, declaring the Judgement dated 15.3.2017 in Case No.A4/CPC/350/2014 passed by the 2nd respondent (Addl.Agent to Govt. & Project Officer, ITDA Utnoor, Adilabad District) and also to declare action of the Respondent No.1 (Principal Secretary, Tribal Welfare, Hyderabad) in not disposing the Interlocutory Application filed along with Revision to suspend operation of the Judgement dated 15.3.2017 in Case No.A4/CPC/350/2014 passed by the 2nd respondent, as illegal, arbitrary and consequently to set-aside the judgement in Case No.A4/CPC/350/2014, dated 15.3.2017 passed by the 2nd respondent.

6. In the reference 3rd read above, the Hon'ble High Court has disposed the above Writ Petition on 26.2.2018 directing that there shall be no further encumbrances on the subject property till disposal of the application and also directed the 1st respondent to make an endeavor for disposal of the Revision Petition, as expeditiously as possible.

7. Accordingly, in compliance to the above directions of the Hon'ble High Court, in the reference 4th read above, Government while admitting the Revision Petition, has rejected the Stay application as there are no sufficient grounds and also called for original case record with para-wise remarks from the Additional Agent to Govt. & Project Officer, ITDA, Utnoor.

8. In the reference 5th read above, the Project Officer, ITDA Utnoor has submitted para-wise remarks along with case record bearing file No.A4/CPC/ 350/2014. The gist of para-wise remarks is as follows:

- i) As per the report of Revenue Divisional Officer, Mancherial, an extent of acs.14.33 gts only exist in Sy.No.137, but ownership certificate was issued for an extent of acs.27.27 gts i.e. in excess of acs.12.34 gts. Out of acs.14.33, the Orient Cement Company, Devapur acquired an extent of acs.2.06 gts. for Railway line – from the balance of acs.12.27 gts, an extent of acs.4.10 gts was implemented under 38-E certificate and pattas issued to the Defendants. The remaining extent of acs.8.17 gts stands in the name of Smt.Puskuri Buchamma.
- ii) From the statement showing the Tenancy Certificates issued under Section 37 (A) in the year 1956 to 57 O/o Tahsildar, Luxettipet vide Certificate No.2340 and Pahani pathrak from 1952 to 1976, the Kota @ Durgam Lasmaiah was recorded as protected tenant who was the grandfather of Plaintiffs 1 to 6 in Sy.No.137/191 for an extent of acs.12.06 gts and father of defendant No.1 and grandfather of defendant namely Segyam Lingaiah was recorded as protected tenant for above said year for an extent of acs.0.09 gts in Sy.No.137/191 and also from 1955 to 1971 for an extent of acs.3.08 gts in Sy.No.138/192 at Mandamarri recorded on behalf of Segyam Lingadu from the year 1962 to 1966 both are shown as protected tenant but not recorded extent of land. The pahanies of 1970 to 75 and 1976 to 81 damaged – both are not recorded as tenant in the Revenue records.

- iii) The Revenue Divisional Officer, Nirmal had issued 38E certificate under AP (T) Tenancy and Agricultural Lands Act, 1950 in favour of Lasmaiah but in that certificate surname and father name of tenant was not entered. Therefore, plaintiffs have not proved their documentary evidence. In the said certificate, Segyam Lingadu was shown as the protected tenant for an extent of acs.4.10 gts in Sy.No.137.

9. In the references 6th read above, Notices were issued to all the concerned parties and hearing taken up 15.06.2019 and 06.07.2019.

10. In the reference 7th read above, Sri T.Satish, Advocate has filed Vakalat before the Government on 15.06.2021 on behalf of Respondents 5 and 6 viz., Chegyam Ravi Kumar and Chegyam Raj Kumar sons of Rajam, R/o Burudagudem village, Mandamarri Mandal.

11. In the reference 8th read above, Sri Pulla Rao Yellanki, Advocate, Hyderabad has filed Vakalat along with written arguments dated 06.7.2019 on behalf of Respondent 4 (Chegyam Shankar S/o late Lingaiah).

12. In the references 10th read above, Notices were issued to all the concerned parties and hearing taken up 23.01.2021 and 27.03.2021.

13. In the reference 11th read above, Sri P.Varaprasada Rao S/o Puskur Butchamma R/o B-14, Vikrampur Colony, Secunderabad has filed Miscellaneous Petition dated 26.02.2021 through his Counsel Sri P.V.Ramana, Advocate along with Vakalat by Counsel, praying to permit him to implead as Respondent No.7 in the Revision Petition and also provide an opportunity of hearing before disposing the Revision.

14. In the reference 12th read above, Government have sent the copies of implead petition with enclosures of Sri P.Varaprasada Rao to Revision Petitioners and Respondents 4 to 6 (Chegyam Shanker, Chegyam Ravi Kumar and Chegyam Raj Kumar) for arguments.

15. In the reference 13th read above, the Counsel for Respondent 4 Sri Pulla Rao Yellanki, Advocate has filed Counter Affidavit dated 15.04.2022 to the Implead Petition of proposed Respondent 7 (Sri P.Varaprasada Rao).

16. In the reference 14th read above, Counsel for Revision Petitioners 1 to 6 Sri Veeresh Kumar, Advocate on 24.04.2022 has filed counter to the Implead Petition of proposed Respondent 7 (Sri P.Varaprasada Rao).

17. In the reference 15th read above, Government have sent the copies of Counter Affidavit filed by Counsel for Respondent 4 and counter to the Implead Petition of proposed Respondent 7 filed by Counsel for Revision Petitioners 1 to 6 to the counsel of concerned parties and Govt. respondents for arguments.

18. In the reference 16th read above, Notices were issued to all the concerned parties and hearing taken up on 17.7.2021. Counsel for Revision Petitioners, Counsel for R4, Counsel for R5 & R6 and Counsel for proposed implead Respondent R7 present and Smt.B.Swapna, Dy.Tahsildar, O/o Tahsildar, Mandamarri was present with the record.

19. In the reference 17th read above, Counsel for Respondent 4 Sri Pulla Rao Yellanki, Advocate has filed written arguments and in the reference 18th read above the Counsel for proposed implead Respondent 7 Sri P.V.Ramana, Advocate has filed reply to the Counter Affidavit of Respondent 4. The Counsel for Petitioners prayed time for submission of further documents/pahanies.

20. In the reference 19th read above, Counsel for Respondent 4 filed Memo informing that the 4th Respondent was expired on 29.8.2021 and prayed to bring the legal heirs viz., 1) Segyam Dharmamma W/o late Segyam Shankar and 2) Segyam Lingamurthy S/o late Segyam Shankar on record. Accordingly, they were brought on record.

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21. Records perused. The grounds/contentions/arguments of the Revision Petitioners 1 to 6, Respondents 4 to 6 and the impleaded Respondent 7 are summed-up as follows:

I. Revision Petitioners 1 to 6

- i) Revenue Divisional Officer and Tribunal, Nirmal for Luxettipet issued Certificate of ownership under Section 38-E of AP (TA) Tenancy and Agricultural Lands Act, 1950 in favour of their grandfather namely Kota @ Durgam Lasumaiah S/o Pochaiah as protected tenant in File No.B5/6513/74 in Form-II for an extent of acs.12.04 gts in Sy.No.137/191 situated in Mandamarri village and Mandal.
- ii) The Tahsildar, Mandamarri wrongly issued proceedings No.ROR/14/2009, dated 6.10.2009 (proceedings No.A/10/884/2009) in favour of Respondents 4 to 6.
- iii) After several representations to cancel 38-E certificate of R4 to R6, the Revenue Divisional Officer reported to the Collector, Adilabad that as per revenue records 1955-56 to 1957-58, total extent of land in Sy.No.137 acs.14.33 gts stood patta in the name of Puskuri Venkata Narsinga Rao S/o Bheemaiah R/o Hajipur and after his death, succeeded to his wife Puskuri Buchamma. The 38-E certificates were issued to a total extent of acs.27.27 gts but actual extent was only 14.33 gts. Out of acs.14.33 gts, acs.2.06 was acquired by Orient Cement Company for railway line while the balance acs.8.17 gts stands continued in the name of pattedar Smt.Puskuri Buchamma. In reply, the Collector, Adilabad in his Lr.No.F1/1708/2010, dt.23.04.2010 has directed the RDO to verify personally as to how 38-E certificate No.B/6513/74 was issued to R4 to R6. In compliance, the RDO reported to the Collector, Adilabad in Lr.No.G/718/2010, dt.21.6.2010 that Sheggam Shankar S/o Lingaiah, Sheggam Ravikumar and Sheggam Rajkumar sons of Rajam are not in physical possession of the land after implementation of 38-E.
- iv) It was stated in the judgement dt.15.3.2017 that the Pahani Pathraks from 1952 to 1976 spell out the fact that Kota @ Durgam Lasmaiah's name was recorded as protected tenant in Sy.No.137 to an extent of acs.12.06 gts who is grandfather of Petitioners 1 to 6, whereas total extent of all lands is only acs.14.33 gts as shown below:

Name	Acreage in Sy.No.137
Kota Lasmaiah	Ac.12.06 gts
Durgam Lasmaiah	Ac.02.10 gts
Durgam Rajmallaiah	Ac.00.10 gts
Total	Ac.14.33 gts

It is clear from the Pahani Pathraks that the grandfather of the Petitioners 1 to 6 namely Kota @ Durgam Lasmaiah is recorded in column No.16 as a protected tenant for an extent of Ac.12.06 gts and Chegyam Lingadu whose LR's are Respondents No.4 to 6 having only acs.00.09 gts in Sy.No.137.

- v) The 1st Respondent (the AAG, Utnoor) had perused the records owing to the fact that the tenancy certificate was issued under section 37 (A) of AP (TA) Tenancy and Agricultural Lands Act, 1950 in favour of grandfather of Petitioners No.1 to 6 namely Kota @ Durgam Lasmaiah S/o Pochaiah vide certificate No.2340. It is established that the grandfather of the Petitioners No.1 to 6 namely Kota @ Durgam Lasmaiah S/o Pochaiah was in possession of agricultural land to an extent of acs.12.06 gts in Sy.No.137/191 and cultivating the same – therefore, the ownership as a protected tenant was bestowed on their grandfather from 1952 onwards and such rights are pre-existing and will have retrospective effect over other tenants.
- vi) The certificate of ownership under 38-E was granted to their grandfather Kota @ Durgam Lasumaiah S/o Pochaiah as protected tenant on file No.B5/6513/74 in Sy.No.137/191 much before that of other tenants. The

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Respondents 4 to 6 did not take steps for correction of Revenue Records though their names did not appear from 1974 to 2008. All of a sudden in 2009 they seem to have applied for grant of pattedar pass book and title deed to an extent of acs.4.10 gts and stated that the alleged 38-E certificate was issued in favour of their ancestor, is not supported by records. The Tahsildar without conducting any enquiry and without following due procedure under AP Rights in Land Pattedar Pass Book Rules, 1989 had issued Title and Pass Books in their favour.

- vii) Certificate of ownership was endorsed to the landholder under Rule 5 (2) by the Divisional Administrator, RDO office, Mancherla dated and signed over on 19.03.2008 and the same was duly presented and filed by the Petitioners No.1 to 6 before the Tahsildar Office for immediate cancellation of proceedings No.ROR/14/2009, dated 06.10.2009 (Proceedings No.A/10/884/2009) on the file of Tahsildar, Mandamarri for incorrectly issuing 38-E ownership Certificate No.B/6513/74 in favour of Respondents No.4 to 6 in December 2009 on the subject lands in Sy.No.137 to an extent of Acs.4.10 gts situated at Mandamarri village and Mandal.
- viii) Respondent 7 claiming that he is the son and legal heir of Puskur Buchamma and Puskur Venkata Narsinga Rao had filed implead petition but no documents were filed about passing away of Smt.Puskur Buchamma and a succession certificate with P.Varaprasad Rao name in it. Pahanies from 1970-71 to 1974-75 were destroyed as per RTI reply from respective authorities but not sure R7 was able to produce all pahanies from 1955-58 to 2019-20 as stated in the list of documents.
- ix) The 1st respondent ought to have seen that they are the legal heirs of Pedda Mallaiah and Chinna Mallaiah (who died about 12 years and 25 years back) under Hindu Succession Act and also erred in observing the documentary records and the statement showing the tenancy certificates issued under Section 37 (A) in the year 1956-57, O/o Tahsildar, Luxettipet vide Certificate No.23340 and pahani pathrak from 1952 to 1970. Therefore, the impugned order is liable to be set-aside as it was based only on the ground that the respondents are in possession of the land.

Documents submitted

- 1) Copy of Ownership Certificate issued to Sri Lasmaiah S/o not recorded, for an extent of acs.12.04 gts (Dry land) situated in Sy.No.137/191, Mandamarri village, Luxettipet Taluq, Adilabad Dist. Land belongs to P.Buchamma.

2) Pahanies:

Year	Sy.No	Pattedar	Extent	Enjoyer	Extent	Remarks
1954-55	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah S/o Lingaiah Durgam	0.10	
				Lingaiah S/o Mallaiah Segyam	0.09	
				Lasumaiah S/o Pochaiah Kota	12.04	
1955-56, 1956-57, 1957-58	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah S/o Lingaiah Durgam	0.10	
				Lingaiah S/o Mallaiah Segyam	0.09	
				Laxmaiah S/o Pochaiah Kota	12.04	
				Laxmaiah S/o Mallaiah Durgam	2.10	
1960-61	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah	0.10	
				Lingaiah	0.09	
				Laxmaiah	12.04	
				Laxmaiah	2.10	

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Year	Sy.No.	Pattedar	Extent	Enjoyer	Extent	Remarks
1961-62	137	P.Venkata Narsinga Rao	14.33	Durgam Rajamallaiah	0.10	
				Segyam Lingaiah	0.09	
				Kota Laxmaiah	12.04	
				Durgam Laxmaiah	2.10	
1962-63	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah Durgam Lingaiah Segyam Laxmaiah Kota Laxmaiah	3.00	
1963-64	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah	3.00	
				Durgam Lingaiah	3.00	
				Segyam Laxmaiah	3.00	
				Kota Laxmaiah	3.00	
1964-65	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah, Lingaiah, Laxmaiah, Laxmaiah	3.00	
1965-66	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah, Lingaiah, Laxmaiah, Laxmaiah		
1966-67	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah	0.10	
				Lingaiah	0.09	
				Kota Laxmaiah	12.04	
				Durgam Laxmaiah	2.14	
1967-68	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah	0.10	
				Lingaiah	0.09	
				Kota Laxmaiah	12.04	
				Durgam Laxmaiah	2.14	
1968-69	137	P.Venkata Narsinga Rao	14.33	Rajamallaiah	0.10	
				Lingaiah	0.09	
				Kota Laxmaiah	12.04	
				Durgam Laxmaiah	2.14	
1970-71	137	P.Venkata Narsinga Rao	14.33	Durgam Rajamallu	0.10	
				Segyam Lingaiah	0.09	
				Kota Laxmaiah	12.04	
				Durgam laxmaiah	2.10	
1972-73	137	Puskur BuchammaW/o Venkata Narsinga Rao	14.33	Durgam Mallaiah	0.10	
				Segyam Lingaiah	0.09	
				Kota Lasmaiah	1.10	
1973-74 to 1980-81 – Reported as Damaged						
1983-84	137	P.Buchamma	14.33	Rajamallaiah Kota Bheemaiah Durgam Balaiah Durgam Pocham Durgam Chinna-Pocham Durgam Sankaraiah Durgam China Yellaiah Durgam Bakka-Pocham		
1984-85, 1985-86 – Reported as Damaged						
1989-90	137/AA	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Kota Chinna Bheemaiah	2.00	Shown as Kareedu
1990-91	137/AA	Puskur Buchamma Venkata Narsinga Rao	12.27	Kota Chinna Bheemaiah	2.00	Shown as Kareedu

Year	Sy.No.	Pattedar	Extent	Enjoyer	Extent	Remarks
1991-92	137/AA	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Kota Chinna Bheemaiah	2.00	Shown as Kareedu
				Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
1992-93	137/AA	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
1993-94 to 1995-96 reported as Damaged						
1996-97	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
1997-98	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Laxmaiah	1.00	
				Durgam Buchi Lingaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
1998-99	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
1999- 2000	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
2000-01	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	

Year	Sy.No.	Pattedar	Extent	Enjoyer	Extent	Remarks
2001-02	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
2002-03	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah	1.10	
				Durgam Lingaiah S/o Pedda Lingaiah	1.10	
				Kota Chinna Bheemaiah S/o Lasmaiah	1.10	
2003-04	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.00	
				Durgam Buchi Lingaiah S/o Mallaiah		
				Durgam Lingaiah S/o Pedda Mallaiah	1.10	
				Kota Chinna Bheemaiah S/o Lasmaiah	1.10	
				Godari Rajam S/o Rajam	0.25	
				Durgam Rayalingu S/o Balaiah	0.25	
				Durgam Lingaiah S/o Peddaposam	0.25	
				Durgam Rajesam S/o Chinnaposam	0.25	
2004-05	137/1	Puskur Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.10	
				Durgam Buchi Lingaiah S/o Mallaiah		
				Durgam Lingaiah S/o Pedda Lingaiah		
				Kota Chinna Bheemaiah S/o Lasmaiah	1.10	Khaastu
				Godari Rajam S/o Rajam	0.25	
				Durgam Rayalingu S/o Balaiah	0.25	
				Durgam Lingaiah S/o Peddaposam	0.25	
				Durgam Rajesam S/o Chinnaposam	0.25	

Year	Sy.No.	Pattedar	Extent	Enjoyer	Extent	Remarks
2005-06	137/1	Puskuri Buchamma W/o Venkata Narsinga Rao	12.27	Durgam Mallaiah S/o Mallaiah	1.00	
				Durgam Posam S/o Lakshmaiah	1.10	
				Durgam Buchi Lingaiah S/o Mallaiah	-	
				Durgam Lingaiah S/o Pedda Lingaiah	-	
				Kota Chinna Bheemaiah S/o Lasmaiah	1.10	
				Godari Rajam S/o Rajam	0.25	
				Durgam Rayalingu S/o Balaiah	0.25	
				Durgam Lingaiah S/o Peddaposam	0.25	
				Durgam Rajesam S/o Chinnaposam	0.25	
2008-09	137/1	Puskuri Buchamma W/o Venkata Narsinga Rao	8.17	-	-	
2009-10	137/1	Puskuri Buchamma W/o Venkata Narsinga Rao	8.17	-	-	

- 3) Copy of order in WP No.6149 of 2018, dt.26.2.2018 of Hon'ble High Court – wherein the Hon'ble High Court has directed the Government to pass appropriate orders on the IA within (4) weeks and till the said application is disposed of, there shall be no further encumbrances on the subject property. The Hon'ble High Court has also directed the Government to make an endeavor for disposal of the Revision Petition as expeditiously as possible.
- 4) Copy of order dt.21.6.2019 in WP No.1243 of 2018 of the Hon'ble High Court for the State of Telangana filed by the Revision Petitioners praying the Hon'ble High Court to direct the respondents 2 to 4 not to dispossess them from land in Sy.No.137/191 situated at Mandamarri village and Mandal and also to suspend judgement in case No.A4/CPC/350/2014, dt.15.3.2017 passed by the 2nd respondent. The Hon'ble High Court has dismissed the WP as there was no representation either for the writ petitioners or their counsel when the matter was taken up on 17.6.2019 and again on 19.6.2019 and that the Petitioners and their Counsel are not interested in pursuing the Writ Petition.

II. Respondent 4

- i) Father of R4 i.e. grandfather of R5 & R6 was protected tenant for an extent of acs.4.10 gts in Sy.No.137 of Mandamarri village (38-E certificate proceeding No.B5/6513/74). After his death, R4 and father of R5 & R6 cultivated the land without any interruption.
- ii) The plea of Revision Petitioners before the Tahsildar to cancel the proceeding No.ROR/14/2009, dt.6.10.2009 was rejected as the said orders were issued basing on 38-E certificate No.B/6513/74 and advised them to file appeal before the appellate authority, but they did not challenge the said proceedings till date. Therefore, 38-E certificate issued to the Respondents was confirmed.
- iii) In the year 2009, the Tahsildar issued Pattedar Pass Books to R4 to R6 for the subject land duly demarcating, fixing boundaries and conducting panchanama. ROR proceedings were issued vide No.A/ROR/14/2009, dt.6.8.2009. When the petitioners approached the Revenue Divisional Officer for cancellation of pattas granted to them, the authority also rejected their claim.

- iv) Respondent 4 (Chegyam Shankar) has filed WP 37610 of 2013 against the Petitioners and the Hon'ble High Court granted interim stay of order dated 26.12.2013 and the WP is pending for adjudication.
- v) The lower court dismissed the case of Revision Petitioners as they have failed to prove their possession and title.
- vi) The Revision Petitioners colluded with the proposed Respondent and filed Implead Petition, which is not maintainable either in law or on facts of the case. Proposed respondent stated that his father P.Venkata Narsinga Rao was the owner and enjoyer of the land to an extent of acs.14.33 in Sy.No.137 as he was the pattedar. His name was shown as pattedar for the years 1955-1958 to 1961-62. After his death, his mother came into possession of the land and continued as Pattedar till 1983-84, is false and incorrect. In the year 1974, S.Lingadu was granted 38-E certificate for the land to an extent of Ac.4.10 gts in Sy.No.137. After death of said Lingadu, his sons Rajam and Shankar were came into possession and enjoyment of the said land as their respective share of land to an extent of Ac.2.05 gts. Since death of said Lingadu, his sons' names have been entered into revenue records and they were issued pass books and title deeds. As such, the implead petitioner has no right to claim the subject land.
- vii) Proposed implead Respondent 7 (P.Varaprasad Rao) failed to file the implead petition before the lower court. If he is the pattedar of the subject land, he can pursue his remedy before the competent authority instead of filing implead petition as the present dispute is between Revision Petitioners and R4 to R6.

Documents submitted

- i) Copy of 38-E Certificate bearing No.B5/6513/74 in the name of Chegyama Lingadu R/o Mandamarri for an extent of acs.4.10 in Sy.No.137 (w.e.f. 1.1.1973).
- ii) Copy of provisional list of Protected Tenants showing name of Chegyama Lingadu for an extent of acs.4.10 gts in Sy.No.137 (P.Buchamma is land-holder).
- iii) Copy of PPB and Title Deed under Patta No.786 issued to Sri Segyam Shankar S/o Lingaiah by the Tahsildar, Mandamarri for an extent of acs.2.05 gts in Sy.No.137.
- iv) Copy of Panchanama dt. 8.6.2009 conducted by Dy.IoS Mancherial.
- v) Copy of Panchanama dt.15.5.2015 conducted by Mandal Surveyor, Mandamarri.
- vi) Copy of Award Statement in file No.A/1053/83 of Land Acquisition Officer & Revenue Divisional Officer, Mancherial – showing acquisition of land for an extent of acs.2.06 gts in Sy.No.137 from the following (7) persons:

1.	Durgam Chinna Pocham S/o Lingaiah	0.08 gts
2.	Durgam Mallaiah S/o Mallaiah	0.12 gts
3.	Durgam Bheemaiah S/o Lasmaiah	0.20 gts
4.	Durgam Mallaiah S/o Lingaiah	0.17 gts
5.	Durgam Balaiah S/o Lingaiah	0.14 gts
6.	Durgam Pedda Pocham S/o Lingaiah	0.09 gts
7.	Durgam Pocham S/o Lachaiah	0.06 gts
		2.06 gts

- vii) Copy of Form No.CC in file No.A/1053/83, dt. -1-1986 of Land Acquisition Officer & Revenue Divisional Officer, Nirmal – showing disbursement of amounts to the above (7) persons.

viii) Copy of order dt.23.1.2020 in WP No.28775 of 2019 filed by the Revision Petitioners 1 to 6 praying to direct respondents 2 to 4 to take appropriate action against illegal encroachments made by R5 to R7 in the land in Sy.No.137/191 admeasuring acs.4.10 gts situated in Mandamarri village and Mandal, Adilabad Dist belonging to the petitioners while pending Revision Petition No.1149/2018 before the 1st respondent (Government). The WP was withdrawn by the Revision Petitioners.

ix) Pahanies

1	Sy. No.	Extent	Khata No.	Pattedar	Enjoyer	Extent
2017	137/1	8.1700	232	Puskur Buchamma	Puskur Buchamma	7.0200 Own
			232	Puskur Buchamma	Durgam lakshmaiah S/o Mallaiah	0.1075 Kaastu
			232	Puskur Buchamma	Durgam Mallesih S/o Mallaiah	0.1075 Kaastu
			232	Puskur Buchamma	Durgam Sankar S/o Mallaiah	0.1075 Kaastu
			232	Puskur Buchamma	Durgam Rajeswari Lingaiah	0.1375 Kaastu
			232	Puskur Buchamma	Bandari Prasad S/o Komuraiah	0.0300 Kaastu
			232	Puskur Buchamma	Sirikonda Dingara-Chary S/o Chandra-Sekhar	0.0300 Kaastu
			232	Puskur Buchamma	Thotla Kanakaiah S/o Rajaiah	0.0300 Kaastu
	137/1/1	2.050	563	Segyam Sankar S/o Lingaiah	Segyam Sankar S/o Lingaiah	2.0500 Own
	137/1/2	1.0250	787	Segyam Ravikumar S/o Rajam	Segyam Ravikumar S/o Rajam	1.0250
	137/1/3	1.0250	788	Segyam Rajkumar S/o Rajam	Segyam Sankar S/o Lingaiah	0.0150 Kareedu
			788	Segyam Rajkumar S/o Rajam	Segyam Rajkumar S/o Rajam	1.0100 Own
	137/2	2.0600	789	Orient Cement Limited	Orient Cement Limited	2.0600 Own

III. Respondents 5 & 6

Sri T.Satish, Advocate has filed Vakalat. No documents or written arguments were filed.

(Contd.....13)

IV. Proposed Implead Respondent 7

- i) His late father Puskur Venkata Narsinga Rao was the pattedar and enjoyer of the land admeasuring acs.14.33 guntas situated in Sy.No.137 of Mandamarri village of the present Mancherial District.
- ii) Name of his father was shown as Pattedar in the pahanies for the period from 1955-58 to 1961-62, thereafter name of his mother Puskur Butchamma was continued as Pattedar for the said land and Sy.No.from 1962-63 till 1983-84. An extent of ac.2.06 guntas was acquired by Orient Cement Company and the balance of acs.12.27 guntas continued in his mother's name in the Pahanies from 1986-87 till 2007-08 in Sy.No.137/1.
- iii) After the death of his mother, since he is not residing in the native place, he is not aware of the changes made in the Revenue Records at any point of time. Recently, he came to know that an extent of Ac.4.10 guntas as against ac.12.27 acres were shown against one Chegyam Shankar, Chegyam Ravikumar, Chegyam Rajkumar, each ac.2.05 guntas, ac.1.02½ and ac.1.02½ in pahani 2008-09. Thereafter, he came to know that an order was passed by the Project Officer, ITDA Utnoor in case No.A4/CPC/350/2014 Adilabad, dt.15.3.2017 filed by Durgam Lingaiah and 5 others claiming ac.12.04 acres in Sy.No.137/191. He came to know that the Suit was filed against Sri Chegyam Shankar, Chegyam Ravikumar and Chegyam Rajkumar and that it was decided against Durgam Lingaiah and others by the Project Officer, Utnoor on 15.3.2017 – against which the present Revision Petition has been filed by the petitioners Durgam Lingaiah and others.
- iv) He filed an application on 20.1.2021 stating that he is the only pattedar of the said land and the case was decided by the Addl.Agent to Government, & Project Officer, ITDA, Utnoor behind his back without making him as Respondent.
- v) Both the parties claim rights under 38-E Tenancy Certificate. Without verifying the Revenue Records, based upon illegal mutations made by Tahsildar in favour of Chegyam Shankar and others, an extent of ac.4.10 guntas was deleted from their patta land and decided the case. The said mutation of revenue records is behind his back without following provisions of the RoR Act. Though Durgam Lingaiah and others claim ac.27.27 guntas under 38-E certificate, in fact there is only ac.12.27 guntas existing and out of that ac.4.10 guntas were mutated in favour of S.Lingadu and 2 others. The Revenue Divisional Officer, Mancherial in his letter dt.9.3.2020 stated that the remaining extent of ac.8.17 guntas stands patta in the name of his mother Puskur Butchamma W/o Venkata Narsinga Rao. It is also clear from the report dt.21.6.2010 of the Revenue Divisional Officer, Mancherial addressed to the Collector, Adilabad that S.Lingadu, Chegyam Ravikumar and Chegyam Rajkumar are not in physical possession of the land.
- vi) Thus, an extent of acs.12.27 gts is continuing in records in the name of his father, mother and after illegal mutations in favour of Chegyam Shankar & 2 others, an extent of acs.8.17 gts continuing in the name of his mother as pattedar till date. Similarly, the Revision Petitioners also not established any title or possession. Both the petitioners and respondents are strangers to the property and continuing the litigations behind his back.
- vii) Though he is the necessary party (being owner of the subject land) to the Suit filed for declaration of Title and Injunction, the parties of the Suit not chosen to implead him as a Party. His claim is supported by the Revenue Records as owner and pattedar right from 1955 and also supported by the report of the Revenue Divisional Officer, Mancherial dt.21.6.2010. Since he is one of the necessary and affected parties, if any order is passed behind his back, he will be the worst affected person.
- viii) The parties to the Original Suit are strangers. The lower court dismissed the Suit holding that R4 to R6 got their names mutated in Revenue records to an extent of ac.4.10 gts against the extent of acs.12.27 gts continued in his mother's name as Pattedar. The said finding is detrimental to his interest. The Counter Affidavit filed by the R4 to R6 against his impleadment and his rights over the property, is misleading and misconceived. The observations made in

the Suit by the lower court behind his back cannot create any rights to the unofficial respondents.

- ix) This Court being an Appellate Authority of the Original Suit as per the law laid down by the Supreme Court reported in 2000 (3) SCC 607 since the Appeal is continuation of the original proceedings, the events after disposal of the Suit can also be taken into account for doing substantial justice to the parties. As per the law laid down by the Apex Court reported in 1963 SC 786 CB at Para 7 in the absence of the necessary parties, no valid decision can be taken by the court and to that extent it is a nullity. Similarly, in another judgement reported in 2015 (4) ALT 476 the Hon'ble High Court considered the issue of necessary parties to the proceedings. As per the same also he is one of the necessary parties and in his absence no proper decision can be taken either by the Lower Court or by the Appellate Court. Hon'ble Full Bench of the High Court in 2007 (6) ALT 134 at Para 10 declared that mutations made under RoR Act without notice to the affected persons or interested persons are null and void. Therefore, the findings of Lower Court in favour of unofficial respondents are contrary to the law.
- x) Since he is not made as a Party in the said proceedings, he is entitled to implead himself in the Appeal to Suit and this Appellate Court can take into account the events after the disposal of the suit and can pass orders in the interest of justice.
- xi) In view of the above laws declared by the Hon'ble Courts from time to time, the mutations made in favour of the unofficial respondents 4, 5 & 6 cannot be given any weightage for an extent of 4 acres and odd and accordingly the findings given by the Lower Court in favour of the unofficial respondents 4 to 6 to the suit, are to be set-aside.
- xii) Revision Petitioners after filing Revision, filed WP No.1243/2018 questioning orders of the PO ITDA Utnoor dt.15.3.2017 and the said WP was dismissed on 21.6.2019. When the 1st WP is pending, he filed another WP No.6149/2018 questioning same order of PO ITDA Utnoor which was also disposed on 26.2.2018 with a direction to the Government for disposal of the Revision Petition pending before it.

Documents submitted

- i) Copy of Lr.Rc.No.I/3300/2009, dt.9.3.2010 of Revenue Divisional Officer, Mancherial addressed to the Collector, Adilabad wherein it was reported that as reported by the Tahsildar, Mandamarri in Lr.No.A/54/10, dated 11.1.2010 as per revenue records 1955-56 to 57-58, an extent of acs.14.33 gts stands patta in the name of Puskuri Venkata Narsinga Rao S/o Bheemaiah R/o Hajipur in Sy.No.137 and after his death, succession was granted to his wife Smt.Puskuri Buchamma as pattedar, but 38-E certificates were issued to the following (6) protected tenants for an extent of acs.27.27 gts by the Revenue Divisional Officer, Nirmal in file No.B5/6573/74.

1) Lasmaiah	137/191	12.04
2) Chegyam Lingadu	137	4.10
3) Chegyam Baladu	137	2.00
4) Chinna Mallaiah S/o Mallaiah	137	2.13
5) Durgam Lasmaiah S/o Mallaiah	137	2.10
6) Ramatenki Pochadu	137	4.30

Total 27.27

Out of acs.14.33 gts, acs.2.06 was alienated to Orient Cement Company for railway line, an extent of acs.4.10 gts was implemented under 38-E and the balance of acs.8.17 gts stand in the name of original pattedar Smt.Puskuri Buchamma.

- ii) Copy of Lr.No.G/718/2010, dt.21.6.2010 of RDO Mancherial addressed to the Collector, Adilabad - wherein it was reported that 38-E certificates were implemented in revenue records in favour of legal heirs of Sheggam Lingaiah i.e. Sheggam Shankar S/o Lingaiah and Sheggam Ravikumar and Sheggam Rajkumar S/o Rajam in two equal shares. After implementation, it is noticed that LR's of Sheggam Lingadu are not having physical possession over the land and denied the facts.

(Contd...15)

- iii) Copy of Death Certificate issued by the Sub-Registrar of Births and Deaths, Circle No.18, North Zone (Zone-II), GHMC, Hyderabad wherein it was certified that Smt.P.Buchamma (W/o late Venkat Narsinga Rao) R/o H.No.B-14, Vikrampur Colony, Secunderabad was expired on 27.09.2010 at Yashoda Hospital, Secunderabad. This was registered vide Regn.No.716, dt.01.10.2020 (Sl.No.83 of Book No.827).
- iv) Copy of Family Members Certificate bearing No.TSMSAA 39546625, dt.20.06.2017 issued by the Tahsildar, Hajipur Mandal – wherein it was certified that Sri Puskuri Varaprasad Rao is son of the deceased late Puskuri Buchamma and Puskuri Venkata Narsinga Rao.
- v) Copy of order in WP No.1243 of 2018, dt.21.6.2019 filed by the Revision Petitioners – the WP was dismissed vacating the interim order dated 11.01.2018.
- vi) Copy of order in WP No.6149 of 2018 filed by the Revision Petitioners and disposed by the Hon'ble High Court on 26.2.2018 directing the 1st respondent i.e. Principal Secretary, Tribal Welfare Department, TS, Hyderabad to pass appropriate orders on the IA and also directed for disposal of the Revision Petition as expeditiously as possible.

viii) Pahanies

Year	Sy.No.	Total extent	Pattedar Name	Extent	Khabzadhar Name
1955-58	137	14.33	Puskur Venkat Narsinga Rao S/o Bheemaiah	0.10	Durgam Raja Mallaiah S/o Lasmaiah
				0.09	Segyam Lingaiah
				12.04	Kota Lasmaiah
				2.10	Durgam Lasmaiah
1959-60	137	14.33	Puskur Venkat Narsinga Rao S/o Bheemaiah	0.10	Durgam Raja Mallaiah S/o Lasmaiah
				0.09	Segyam Lingaiah S/o Mallaiah
				12.04	Kota Lasmaiah
				2.10	Durgam Lasmaiah
1960-61	137	14.33	Puskur Venkat Narsinga Rao S/o Bheemaiah	0.10	Durgam Raja Mallaiah
				0.09	Lingaiah
				12.04	Lasmaiah
				2.10	Lasmaiah
1961-62	137	14.33	Puskur Venkat Narsinga Rao S/o Bheemaiah	0.10	Durgam Raja Mallaiah
				0.09	SegyamLingaiah
				12.04	Kota Lasmaiah
				2.10	Durgam Lasmaiah
1962-63	137	14.33	Puskur Buchamma W/o Puskur Venkat Narsing Rao		Raja Mallaiah
					Durgam Lingaiah
					Segyam Lingaiah
					KotaLasmaiah
1963-64	137	14.33	Puskur Buchamma W/o Puskur Venkat Narsing Rao		Raja Mallaiah
					Durgam Lingaiah
					Segyam Lingaiah
					Kota Lasmaiah
1964-65	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao		Rajamallaiah
					Lingaiah
					Laxmaiah
					Segyam Lingaiah
1965-66	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao		Raja Mallaiah
					Lingaiah
					Laxmaiah
					Laxmaiah

Year	Sy.No.	Total extent	Pattedar Name	Extent	Khabzadhar Name
1966-67	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Raja Mallaiah
				0.09	Lingaiah
				12.04	Kota Lasmaiah
				2.14	Durgam Laxmaiah
1967-68	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Raja Mallaiah
				0.09	Lingaiah
				12.04	Kota Laxmaiah
				2.14	Durgam Laxmaiah
1968-69	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Raja Mallaiah
				0.09	Lingaiah
				12.04	Kota Lasmaiah
				2.14	Durgam Laxmaiah
1970-71	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Durgam Raja Mallaiah
				0.09	Segyam Lingaiah
				12.04	Kota Lasmaiah
				2.10	Durgam Laxmaiah
1971-72	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Durgam Raja Mallaiah
				0.09	SegyamLingaiah
				12.04	KotaLasmaiah
				2.10	Durgam Lasmaiah
1972-73	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao	0.10	Durgam Mallaiah
				0.09	Segyam Lingaiah
				12.04	Kota Laxmaiah
				1.10	Kota Laxmaiah
1975-76	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao		Kota Shankaraiah
					Durgam Mallaiah
					Segyam Lingaiah
					Durgam Rajamallaiah
1976-77	137	14.33	Puskur Buchamma W/o Venkat Narsing Rao		
1977-78	137	14.33	Puskur Buchamma W/o Venkat Narsinga Rao	2.13	Durgam China Yellaiah
				4.30	Ramatenki Posham
				4.10	Segyam Lingaiah
				2.00	Segyam Baladu
				0.20	Durgam Mallaiah
1980-81	137	14.33	Puskur Buchamma W/o Venkat Narsinga Rao		Kota Shankaraiah
					Durgam Mallaiah
					Durgam Chinna Pochaiah
					Durgam Bakka Pochaiah
1982-83	137	14.33	Puskur Buchamma		Kota Shankaraiah
					Lingaiah
					Bakka Pocham
					Durgam Mallaiah
					Baladu
					Mallaiah
1983-84	137	14.33	Puskur Buchamma W/o Venkat Narsinga Rao		Raja Mallaiah
					Kota Lasmaiah
					Durgam Balaiah
					Durgam Posham
					Durgam Chinna Posham
					Durgam Shankaraiah
					Durgam Chinna Bheemaiah
					Durgam Bakka Posham

Year	Sy.No	Total extent	Pattedar Name	Extent	Khabzadhar Name
1986-87	137	12.27	Puskur Buchamma W/o Venkat Narsinga Rao		Raja Mallaiah
					Kota Lasmaiah
					Durgam Balaiah
					Durgam Posham
					Durgam Chinna Posham
					Durgam Shankaraiah
					Durgam Chinna Yellaiah
					Durgam Bakka Posham
	137	2.06	Orient Cement Company		
1987-88	137	12.27	Puskur Buchamma W/o Venkat Narsing Rao		Raja Mallaiah
					Kota Chinna Bheemaiah
					Durgam Balaiah
					Durgam Posham
					Durgam Chinna Posham
					Durgam Shankaraiah
					Durgam Chinna Yellaiah
					Durgam Bakka Posham
	137	2.06	Orient Cement Company		
1988-89	137	12.27	Puskur Buchamma W/o Venkat Narsing Rao		Raja Mallaiah
					Kota Chinna Bheemaiah
					Durgam Balaiah
					Durgam Posham
					Durgam Chinna Posham
					Durgam Shankaraiah
					Durgam Chinna Yellaiah
					Durgam Bakka Posham
	137	2.06	Orient Cement Company		
1990-91	137	12.27	Puskur Buchamma W/o Venkat Narsing Rao	2.00	Kota Chinna Bheemaiah
	137	2.06	Orient Cement Company	2.06	Orient Cement Company
1991-92	137	12.27	Puskur Buchamma W/o Venkat Narsinga Rao	2.00	Kota Chinna Bheemaiah
				1.00	Durgam Mallaiah
				1.00	Durgam Posham
				1.10	Durgam Buchilingaiah
				1.10	Durgam Lingaiah
	137	2.06	Orient Cement Company		
1992-93	137	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah
				1.00	Durgam Posham
				1.10	Durgam Buchilingaiah
				1.10	Durgam Lingaiah
	137	2.06	Orient Cement Company	2.06	Orient Cement Company
1994-95	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah
				1.00	Durgam Posham
				1.00	Durgam Buchilingaiah
				1.00	Durgam Lingaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company

Year	Sy.No	Total extent	Pattedar Name	Extent	Khabzadhar Name
1996-97	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company
1997-98	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company
1998-99	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company
2000-01	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company
2002-03	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
	137/2	2.06	Orient Cement Company	2.06	Orient Cement Company
2003-04	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
				1.10	Durgam Buchilingaiah S/o Mallaiah
				1.10	Durgam Lingaiah S/o Peddamallaiah
				0.25	Durgam Rajesham S/o Chinnaposham
				1.10	Kota Chinna Bheemaiah S/o Laxmaiah
				0.25	Godari Rajam
				0.25	Durgam Ramalingam S/o Balaiah
				0.25	Durgam Lingaiah S/o Peddaposham
	137/2	2.06	Orient Cement	2.06	Orient Cement

Year	Sy.No.	Total extent	Pattedar Name	Extent	Khabzadhar Name
2004-05	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.00	Durgam Posham S/o Laxmaiah
					Durgam Buchilingaiah S/o Mallaiah
					Durgam Lingaiah S/o Peddamallaiah
				1.10	Kota Chinna Bheemaiah S/o Lasmaiah
				0.25	Godari Rajam
				0.25	Durgam Rayalingu S/o Balaiah
				0.25	Durgam Lingaiah S/o Peddaposham
				0.25	Durgam Rajesham S/o Chinnaposham
	137/2	2.06	Orient Cement	2.06	Orient Cement
2005-06	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao	1.00	Durgam Mallaiah S/o Mallaiah
				1.10	Durgam Posham S/o Laxmaiah
					Durgam Buchilingaiah S/o Mallaiah
					Durgam Lingaiah S/o Peddamallaiah
				1.10	Kota Chinnabheemaiah S/o Lasmaiah
				0.25	Godari Rajam
				0.25	Durgam Rayalingu S/o Balaiah
				0.25	Durgam Lingaiah S/o Peddaposham
				0.25	Durgam Rajesham S/o Chinnaposham
	137/2	2.06	Orient Cement	2.06	Orient Cement
2006-07	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao		
	137/2	2.06	Orient Cement	2.06	Orient Cement
2007-08	137/1	12.27	Puskur Buchamma W/o Venkat Narsing Rao		
	137/2	2.06	Orient CemenT	2.06	Orient Cement
2008-09	137/1	8.17	Puskur Buchamma W/o Venkat Narsing		
	137/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1	1.02½	Segyam Ravikumar	1.02½	Segyam Ravikumar
	137/1	1.02½	Segyam Rajkumar	1.02½	Segyam Rajkumar
	137/2	2.06	Orient Cement	2.06	Orient Cement
2009-10	137/1	8.17	Puskur Buchamma W/o Venkat Narsing Rao		
	137/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1	1.02½	Segyam Ravikumar	1.01	Segyam Ravikumar
				0.01½	Segyam Shankar
	137/1	1.02½	Segyam Rajkumar	1.01	Segyam Rajkumar
				0.01½	Segyam Shankar
	137/2	2.06	Orient Cement	2.06	Orient Cement
2010-11	137/1	8.17	Puskur Buchamma W/o.Venkat Narsing		
	137/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1	1.02½	Segyam Ravikumar	1.01	Segyam Ravikumar
				0.01½	Segyam Shankar
	137/1	1.02½	Segyam Rajkumar	1.01	Segyam Rajkumar
				0.01½	Segyam Shankar
	137/2	2.06	Orient Cement	2.06	Orient Cement

Year	Sy.No.	Total extent	Pattedar Name	Extent	Khabzadhar Name
2011-12	137/1	8.17	Puskur Buchamma W/o Venkat Narsing Rao		
	137/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1	1.02½	Segyam Ravikumar	1.01	Segyam Ravikumar
				0.01½	Segyam Shankar
	137/1	1.02½	Segyam Rajkumar	1.01	Segyam Rajkumar
				0.01½	Segyam Shankar
	137/2	2.06	Orient Cement	2.06	Orient Cement
2012-13	137/1	8.17	Puskur Buchamma W/o Venkat Narsing Rao	8.17	
	137/1/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1/2	1.02½	Segyam Ravikumar	1.02½	
	137/1/3	1.02½	Segyam Rajkumar	1.02½	
	137/2	2.06	Orient Cement	2.06	Orient Cement
2013-14	137/1	8.17	Puskur Buchamma W/o Venkat Narsing Rao	8.17	Padaava
	137/1/1	2.05	Segyam Shankar	2.05	Padaava
	137/1/2	1.02½	Segyam Ravikumar	1.02½	Padaava
	137/1/3	1.02½	Segyam Rajkumar	1.02½	Padaava
	137/2	2.06	Orient Cement Devapur Co.	2.06	Orient Cement Devapur Co.
2015-16	137/1	8.17	Puskur Buchamma W/o Venkat Narsing Rao	8.17	Padaava (Tampered with name of Durgam Sekhar S/o Rajalingu as Kareedu for 0.06)
	137/1/1	2.05	Segyam Shankar	2.05	Padaava
	137/1/2	1.02½	Segyam Ravikumar	1.02½	Padaava
	137/1/3	1.02½	Segyam Rajkumar	1.02½	Padaava
	137/2	2.06	Orient Cement Devapur Co.	2.06	Orient Cement Devapur Co.
2018-19	137/1/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/1	1.2	Kota Poshamma W/o Chinna Bheemaiah	1.2	Kota Poshamma
	137/1/	5.17	Puskur Varaprasad Rao S/o Venkat Narsing Rao	5.17	Puskur Varaprasad Rao S/o Venkat Narsing Rao
	137/2	2.06	Orient Cement Co.Devapur	2.06	Orient Cement Co. Devapur
	137/1/2	1.025	Segyam Ravikumar	1.025	Segyam Ravikumar
	137/1/3	1.025	Segyam Rajkumar	0.015	Segyam Shankar
	137/2/a	1.2	Kota Poshamma	1.2	Kota Poshamma (Double entry)
2019-20	137/1/	1.2	Kota Poshamma	1.2	Kota Poshamma
	137/1/2	1.025	Segyam Ravikumar	1.025	Segyam Ravikumar
	137/1/	5.17	Puskur Varaprasad Rao S/o Venkat Narsing Rao	5.17	Puskur Varaprasad Rao S/o Venkat Narsing Rao
	137/2/a	1.2	Kota Poshamma	1.2	Kota Poshamma (Double entry)
	137/1/1	2.05	Segyam Shankar	2.05	Segyam Shankar
	137/2	2.06	Orient Cement	2.06	Orient Cement
	137/1/3	1.025	Segyam Rajkumar	1.01	Segyam Rajkumar
				0.015	Segyam Shankar

Findings:

22. As seen from the evidences available on record and documents produced by the Revision Petitioners 1 to 6, Respondents 4 to 6 and the proposed implead Respondent 7, it is found that:

- i) Kota Lasmaiah and Durgam Lasmaiah is not one and the same person but are two different persons. Therefore, the contention of the Revision Petitioners that **Kota alias Durgam Lasmaiah** is their grandfather, is not true.
- ii) Sri Puskuri Venkata Narsinga Rao was the pattedar of the land admeasuring acres 14.33 guntas in Sy.No.137 of Mandamarri village, Mandal and after his death, succession was granted to his wife Smt.Puskuri Buchamma and her name continued in the records till now as Pattedar. Sri Durgam Lasmaiah was said to be protected tenant for an extent of acres 2.10 guntas in Sy.No.137 in which acres 2.06 guntas was alienated to Orient Cement Company, Devapur for railway line and seven members of Durgam family viz., 1) Durgam Chinna Pocham 2) Durgam Mallaiah 3) Durgam Bheemaiah 4) Durgam Mallaiah 5) Durgam Balaiah 6) Durgam Pedda Pocham and 7) Durgam Pocham were paid compensation of Rs.77,048.83 through seven individual Demand Drafts 1) 815642, dt.4.1.1986 for Rs.7167.33 2) 815643, dt.4.1.1986 for Rs.10750.92 3) 815644, dt.4.1.1986 for Rs.17918.72 4) 815645, dt.4.1.1986 for Rs.15230.47 5) 815646, dt.4.1.1986 for Rs.12542.74 6) 815647, dt.4.1.1986 for Rs.8063.19 and 7) 815648, dt.4.1.1986 for Rs.5375.46. In the remaining extent of acres 12.27 guntas, acres 4.10 guntas was implemented under 38-E in favour of R4 to R6 viz., Segyam Shankar, Segyam Ravikumar and Segyam Rajkumar while the balance extent of acres 8.17 guntas stand continued in the name of the original pattedar Smt.Puskur Buchamma which was rightly adjudicated by the Additional Agent to Government & Project Officer, ITDA, Utnoor in his orders in the Suit No.A4/CPC/350/2014, dated 15.3.2017.
- iii) Thus, the Revision Petitioners have failed to prove their claim in the lower court in Suit No.A4/CPC/350/2014 before the Addl.Agent to Govt. & Project Officer, ITDA Utnoor and also before the Government in the present Revision.
- iv) As per the evidences available on record, decision of the lower court, settled legal positions cited by the Counsel for R7 and also decision of the Hon'ble High Court in CRP No.2144 and 2558 of 1997 in 1998 (1) ALD 497, Sri Puskur Varaprasada Rao S/o late Puskur Buchamma and late Puskur Venkata Narsinga Rao, has got locus to implead as Respondent in the present Revision Petition being necessary party as his parents are the original pattedars of the suit land whose names continued in the records till now. Accordingly, he is permitted to implead as Respondent 7 in the Revision and his Implead Petition is ordered accordingly.

23. Therefore, in view of the above findings, Government after careful examination and consideration of the evidences available on record and evidences produced by the parties, hereby DISMISS the Revision Petition filed by Petitioners 1 to 6 and confirm orders of the lower court i.e. Additional Agent to Government & Project Officer, ITDA, Utnoor in Suit No.A4/CPC/2014, dated 15.3.2017 for the extents of acres 8.17 guntas (in favour of original Pattedar) and acres 4.10 guntas (in favour of R4); (as detailed below) as per the entries rightly made against the Pattedars/enjoyers and their legal heirs/successors in the Pahanies from 2008-09 to 2015-16.

- i) Acres 8.17 guntas in Sy.No.137/1 in Mandamarri village and Mandal of Mancherial District, in favour of R7 Sri Puskur Varaprasad Rao, son and legal heir of the original pattedar late Sri Venkata Narsinga Rao and Smt.Buchamma;
- ii) Acres 2.05 guntas in Sy.No.137/1/1 in Mandamarri village and Mandal of Mancherial District, in favour of Smt.Segyam Dharmamma and Sri Segyam Lingamurthy (legal heirs of R4 late Sri Segyam Shankar);

(Contd...22)

- iii) Acres 1.02½ in Sy.No.137/1/2 in Mandamarri village and Mandal of Mancherial District, in favour of R5 Sri Segyam Ravikumar S/o Rajam; and
- iv) Acres 1.02½ in Sy.No.137/1/3 in Mandamarri village and Mandal of Mancherial District, in favour of R6 Sri Segyam Rajkumar S/o Rajam.

21. The District Collector, Mancherial, the Additional Agent to Government & Project Officer, ITDA, Uttoor, the Revenue Divisional Officer, Mancherial and the Tahsildar, Mandamarri Mandal shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT

To

The District Collector, Mancherial District.

The Additional Agent to Government & Project Officer,
ITDA, Uttoor, Adilabad District.

The Revenue Divisional Officer, Mancherial, Mancherial District

The Tahsildar, Mandamarri Mandal, Mancherial District

Sri Durgam Lingaiah, S/o Late Pedda Mallaiah,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District (Revision Petitioners No.1)

Sri Durgam Pochaiah, S/o Late Pedda Mallaiah,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District (Revision Petitioners No.2)

Sri Durgam Ramchander, S/o Late Pedda Mallaiah,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District (Revision Petitioners No.3)

Smt Godari Posamma, W/o Rajamallu,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District (Revision Petitioners No.4)

Smt Bijiur Madunamma W/o Balaraju,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District (Revision Petitioners No.5)

Smt Kota Laxmi W/o Shankaraiah,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District. (Revision Petitioners No.6)

Sri Chegyam Ravi Kumar, S/o Rajam,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District) (Respondents No.5)

Sri Chegyam Raj Kumar, S/o Rajam,
R/o Burudagudem (V), Mandamarri (M),
Mancherial District) (Respondents No.6)

Smt.Segyam Dharmamma L.R. & W/o late Shankar
R/o Buradagudem, Mandamarri Mandal, Mancherial District.

Sri Segyam Lingamurthy L.R. & S/o late Shankar
R/o Buradagudem, Mandamarri Mandal, Mancherial District.

Sri Puskur Varaprasad Rao, R/o B-14, Vikrampuri Colony,
Secunderabad. (Impleaded Respondent)

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Sri Pulla Rao Yellanki, Advocate, Flat No. 305,
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Hyderabad -500034 (Counsel for Respondents No. 4)

Sri T.Satish & N.Sujatha, Advocates,
Flat No.7-2, Lake view Home, MES colony, Alwal,
Secunderabad-500015 (Counsel for Respondents No. 5&6)

M/S P.V.RAMANA, B.SRAVAN KUMAR, Advocates,
H.No. 6-3-656, flat No. 1, Banjara Sangeet Apts, Kapadia Lane,
Somajiguda, Hyderabad-82 (Counsel for Impleaded Respondent)

Copy to:

The Secretary to the Governor, Raj Bhavan,
Hyderabad (w.r.t. their Lr.No. 464/SGB/S/2022, dated 29.01.2022).
The P.S to Chief Secretary to Govt., TS, Hyderabad.
The PS to Hon'ble Minister for ST Welfare, W&CW.
The PS to Secretary (TW)
The PA to Special Secretary (TW)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER